

**Amendment No. 1 to SB1058**

**Kelsey  
Signature of Sponsor**

**AMEND Senate Bill No. 1058\***

**House Bill No. 1227**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 17-4-201, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

The judicial performance evaluation commission shall establish a judicial performance evaluation program for appellate court judges, and the judicial performance evaluation commission shall adopt the standards, criteria, and methods by which it will evaluate the performance of appellate court judges.

SECTION 2. Tennessee Code Annotated, Section 17-4-201, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) Effective July 1, 2013 there is created a new judicial performance evaluation commission composed of nine (9) members.

(2) By July 1, 2013, the speaker of the senate shall appoint four (4) of the members, of whom three (3) shall be attorneys and one (1) shall be a non-attorney. No more than two (2) of those appointed shall reside in the same grand division.

(3) By July 1, 2013, the speaker of the house of representatives shall appoint four (4) of the members, of whom three (3) shall be attorneys and one (1) shall be a non-attorney. No more than two (2) of those appointed shall reside in the same grand division.

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(4) By July 1, 2013, the speaker of the senate and the speaker of the house of representatives shall jointly appoint one (1) attorney member.

(5) The evaluation procedure established by the judicial performance evaluation commission may permit the judicial performance evaluation commission to perform an evaluation with less than the full membership in panels, but the full commission shall approve the evaluation.

(6) To stagger the terms of the judicial performance evaluation commission members, beginning July 1, 2013, the two (2) non-attorney members on the commission and the jointly-selected member of the commission shall serve six-year regular terms, the three (3) attorney members on the commission appointed by the speaker of the house of representatives shall serve four-year transition terms, and the three (3) attorney members on the commission appointed by the speaker of the senate shall serve two-year transition terms. At the conclusion of the transition terms, each regular term of a commission member shall be six (6) years. A vacancy on the commission shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(7) No commission member shall serve more than two (2) full terms.

(8) A member of the judicial performance evaluation commission appointed for a term beginning on or after July 1, 2013, is not eligible to seek an appellate judgeship that becomes available as a result of the commission's recommendation for replacement of an incumbent appellate judge as set out in subsection (a).

SECTION 3. Tennessee Code Annotated, Section 17-4-115, is amended by deleting subsection (c) and by substituting instead the following:

(c) If the judicial performance evaluation commission makes a recommendation "for replacement" of an incumbent appellate judge but the judge nevertheless files or has filed the declaration of candidacy required by subsection (a), then subdivision (b)(1) shall not be applicable, a vacancy shall be created and the eight-year term shall be filled in accordance with § 17-4-112 or § 17-4-113.

SECTION 4. For purposes of making appointments to the judicial performance evaluation commission, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2013, the public welfare requiring it.